

MAINE STATE LEGISLATURE

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L.D. 1768

DATE: 2/9/04

(Filing No. H-674)

EDUCATION AND CULTURAL AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
SECOND SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 1290, L.D. 1768, Bill, "An Act To Authorize Certain School Children To Carry Asthma Inhalers on Their Persons"

Amend the bill by striking out the title and substituting the following:

'An Act To Authorize Certain School Children To Carry Emergency Medication on Their Persons'

Further amend the bill by striking out everything after the title and before the summary and inserting in its place the following:

'Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 20-A MRSA §254, sub-§5, ¶C is enacted to read:

C. A public school or a private school approved pursuant to section 2902 must have a written local policy authorizing students to possess and self-administer emergency medication from an asthma inhaler or an epinephrine pen. The written local policy must include the following requirements.

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(1) A student who self-administers an asthma inhaler or an epinephrine pen must have the prior written approval of the student's primary health care provider and, if the student is a minor, the prior written approval of the student's parent or guardian.

(2) The student's parent or guardian must submit written verification to the school from the student's primary health care provider confirming that the student has the knowledge and the skills to safely possess and use an asthma inhaler or an epinephrine pen in school.

(3) The school nurse shall evaluate the student's technique to ensure proper and effective use of an asthma inhaler or an epinephrine pen in school.'

SUMMARY

This committee amendment changes the title of the bill and strikes and replaces the bill to expand the provisions of the bill regarding the possession and self-administration of an asthma inhaler to include the possession and self-administration of an epinephrine pen.

The amendment requires a public school or private school approved for attendance purposes by the Department of Education to adopt a written local policy allowing students to possess and self-administer asthma inhalers and epinephrine pens in the school.

It also requires that a school receive written approval from the student's parent or guardian and the student's primary health care provider before the school authorizes the student to self-administer an asthma inhaler or an epinephrine pen.

It also requires the student's parent or guardian to provide written verification from the primary health care provider confirming that the student has the knowledge and the skills to safely possess and use an asthma inhaler or an epinephrine pen in a school.

It also requires that the school nurse evaluate the student's technique to ensure proper and effective use of an asthma inhaler or an epinephrine pen in school.

COMMITTEE AMENDMENT "A" to H.P. 1290, L.D. 1768

Finally, the amendment adds a mandate preamble to the bill.

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FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



**121st Maine Legislature
Office of Fiscal and Program Review**

LD 1768

**An Act to Authorize Certain School Children To Carry Asthma Inhalers
on Their Persons**

LR 2286(02)

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: Education and Cultural Affairs

Fiscal Note Required: Yes

Fiscal Note

Exempted State Mandate

Fiscal Detail and Notes

This bill requires schools to adopt written policies and procedures to allow students to possess and self-administer asthma inhalers and epinephrine pens in schools. The additional costs of the state mandate to individual school units are not expected to be significant. Pursuant to the Mandate Preamble, the two-thirds vote of all members elected to each House exempts the State from the constitutional requirement to fund 90% of the additional local costs.